

**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/135,504 06/22/98 IGBINADOLOR

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EXAMINER

WM02/0116

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GRANT, C

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

01/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/135,504

Applicant(s)
IGBINADOLOR

Examiner
Christopher Grant

Group Art Unit
2611



☒ Responsive to communication(s) filed on Oct 19, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 10/19/999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Status of Application

1. Applicant's application cannot be allowed (i.e. cannot be patented) at this time because of the following:

- (i) the specification appears to contain new matter.
- (ii) the claims appear to contain new matter.
- (iii) the claims are vague and/or indefinite.

Applicant's application fails to meet the legal requirements of 35 United States Code (USC). A copy of the relevant patent law sections (e.g. 35 USC 112) was mailed to applicant 2/1/00.

Additionally, applicant's application has formal defects governed by 37 Code of Federal Regulations (CFR). Copies of all the relevant sections of 37 CFR that are cited were provided to applicant on 2/1/00.

Defects under 35 USC are very serious and **must** be overcome. Deficiencies under 37 CFR are less serious, but applicant must still overcome them. The examiner if needed, can assist applicant in fulfilling the requirements of 37 CFR.

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Specification

2. The amendment filed 10/19/00 is rejected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows (only a few examples are listed):

- a) On page 4, line 11, “...memory to memory”.
- b) On page 4, lines 14-15, “**the system records and plays all features claimed, has an external input port for a personal computer**”

Applicant is required to review the entire substitute specification and cancel the new matter in reply to this Office action.

If applicant contends that the substitute specification does not contain any new subject matter, then applicant must indicate the page and line number of the corresponding subject matter in the originally filed specification for review by the examiner.

Drawings

3. The drawings are objected to because of the following:

- a) Figures 8-12 have numerous and/or cumbersome hand written information which are difficult to read.

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4. Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:

- a) A *separate* letter to the Draftsman in accordance with MPEP § 608.02(r); and
- b) A print or pen-and-ink sketch showing changes in *red ink* in accordance with MPEP § 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and *may not be deferred*.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the

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mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

6. The specification is objected to under 37 CFR 1.71 because the description of the invention appears to be incomplete and/or not clear. The current invention is generally an audio/video car dubbing system. However the specification fails to point out how audio or video is transferred from one medium to another. Applicant's current disclosure (specification and drawings) lists or catalogs the various items that are found in the system, but it fails to specify how the car dubbing system actually works or functions.

7. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure fails to suggest or teach "logic processors", "logic sequential circuitry", "dubbing central processing unit that receives and transmits audio/video digital signals" and "NAND gate-accessory module" now recited in claim 1, lines 1-5.

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The disclosure fails to suggest or teach “a reverse logic dubbing CPU that instructs the system to record, store and playback data signals of selected features” now recited in claim 2, lines 1-2.

The disclosure fails to suggest or teach “NAND (accessory modulator) AND-OR circuitry” now recited in claim 2, line 4.

The disclosure fails to suggest or teach “dual purpose audio video track for formatting, external storage, and backup in case of system failure or malfunction due to damage” now recited in claim 2, lines 7-8.

The disclosure fails to suggest or teach “...that recognizes and suppresses high frequency interruption.....eliminating distortion in a highly populated area, poor reception due to topographic conditions, tunnel microwave....resulting in a perfect listening dubbing pleasure” now recited in claim 3, lines 1-6.

The disclosure fails to suggest or teach “....that receives audio..using the special multi directional power antenna receptacles” now recited in claim 4, lines 1-3.

The disclosure fails to suggest or teach the **detailed limitations** now recited in claims 4-8. Applicant has provided pen written notations in the markup copy that refer the currently claimed subject matter back to the subject matter in the original filed specification. Although some portions of the currently claimed subject matter refer back to the originally filed subject matter,

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the Examiner contends that applicant has added new subject matter to the originally filed disclosure. Applicant must cancel all new subject matter from the claims.

If applicant contends that the claims do not contain any new subject matter, then applicant must indicate the page and line number of the corresponding subject matter in the originally filed specification/drawings for review by the examiner.

8. Claims 1-8 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

For example:

a) Claim 1 is vague because the phrase **"An Integrated Car Dubbing System - ICDS comprising"** appears to be a part of the current specification and not a part of the language of claim 1. In other words, the number '1' should be placed before the phrase **"An Integrated Car Dubbing System - ICDS comprising"** and not after the phrase.

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b) Claim 1 is vague and/or incomplete because it is not clear if the claim ends at line 4 (“...digital signals”) or at line 5 (“...for external devices”). A claim can only have **one period**. Note that MPEP 608.01 (m) requires that a claim ends with a period. In other words, it is not clear if the limitation “**an optional input port (NAND gate-accessory modulator) for external devices**” is a part of claim 1.

c) Claim 2 is vague and/or incomplete because it is not clear if the claim ends at line 2 (“....selected features”) or at line 6 (“....records as claimed”) or at line 8 (“....due to damage”). A claim can only have **one period**. Note that MPEP 608.01 (m) requires that a claim ends with a period.

d) Claim 3 is vague and/or incomplete because it is not clear if the claim ends at line 6 (“....dubbing pleasure”) or at line 8 (“....memory data”). A claim can only have **one period**. Note that MPEP 608.01 (m) requires that a claim ends with a period.

e) Claim 4 recites the limitation "the special multi directional power antenna receptacles" in line 3 . There is insufficient antecedent basis for this limitation in the claim.

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f) Claims 4, 6 and 8 are vague and/or incomplete because each claim contains more than one period. A claim can only have **one period**. Note that MPEP 608.01 (m) requires that a claim ends with a period.

g) Claims 2-8 are vague and/or incomplete because it is not clear if these claims are dependent on claim 1 or if they are independent claims. (Note the Stamegna patent 5,797,088 provided by the examiner. Claim 1 is the independent claim and claims 2-5 are dependent claims).

h) Claims 1-8 are vague because it is not clear if the limitations from each of the claims are (1) all related to a car dubbing system or (2) separate, independent or distinct systems not related to a car dubbing system. See response to applicant's arguments below.

Response to Applicant's Amendments/Arguments

9. Applicant's response filed 10/19/00 have been fully considered. However, the examiner has the following comments on claims 1-8 as described above in paragraph 8 (h).

Claims 1-8 are vague because it is not clear if the limitations from each of the claims are (1) part of a car dubbing system or (2) separate, independent or distinct systems not related to a car dubbing system.

For example the separate systems appears to be the following:

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- Claim 1 appears to be a car dubbing system having satellite sensors.
- Claim 2 appears to be a reverse dubbing CPU system.
- Claim 3 appears to be a distortion free sensor system.
- Claim 4 appears to be a live music/entertainment awards sensor system.
- Claim 5 appears to be an access Internet sensor system.
- Claim 6 appears to be an Integrated digital/analog clock sensor detector.
- Claim 7 appears to be a theft deterrent system having retractable assembly component.
- Claim 8 appears to be a product model logo.

If applicant contends that the application contains distinct or independent systems, then the application is subject to restriction. Restriction is the practice wherein an Examiner may limit the prosecution of an application to one or more of a plurality of distinct inventions that would otherwise impose a serious administrative burden on the Examiner. The end result is that the applicant may have to file a separate application for each claimed invention.

If applicant contends that all the claims are directed to a car dubbing system, then applicant must indicate as such by drafting each claim (whether independent or dependent) to be a car dubbing system. Applicant should look at the claims in patent 5,797,088 as an example for drafting claims. Note that in patent 5,797,088 claim 1 is an independent claim and claims 2-5 are dependent claims (i.e. claims 2-5 refer back to claim 1).

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10. Applicant should note that there is no art rejection because the claims fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

12. Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

13. All statutes (35 USC) and rules 37 CFR are provided on the PTO web site at www.uspto.gov.

14. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of

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Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$110.00.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing, whichever is longer, of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

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Conclusion

15. It is called to applicant's attention that if a communication is deposited with the U. S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

on _____ (date).

Typed or printed name of person signing this certificate

Signature _____

Date _____

16. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

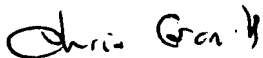
(703) 308-6296 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 4700.



Chris Grant
Primary Examiner
January 8, 2001